

Chapter 30: Dropout Prevention

Rule 30.1 Compulsory School Attendance

1. Requirements

- a. Employment of all School Attendance Officers, qualifications and duties, shall be in compliance with {MS Code §37-13-89} (1972).
- b. Pursuant to {MS Code §43-21-321 and §37-13-80} School Attendance Officers shall:
 - i. Serve on transition teams to assist youth in detention centers to transition successfully back into the home school district once released from detention; and
 - ii. Gather accurate data on youth in juvenile detention centers to properly track students.
- c. In addition to the duties set forth in statute, State School Attendance Officers shall be required to provide technical assistance to school districts in the areas of attendance and dropout prevention.

Source: *Miss. Code Ann. § 37-1-3 (Revised 7/2007)*

Rule 30.2 Reporting Unexcused Absences.

1. Pursuant to Mississippi Code 37-13-91, a parent, guardian or custodian of a compulsory-school- age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic for the period of time that the child is of compulsory-school-age. Mississippi Code Section 37-9-14(2)(u) states that School District Superintendents are “to comply in a timely manner with the compulsory education reporting requirements prescribed in Section 37-13-92(6).” The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer.
 - a. An unlawful absence is an absence by any compulsory school-age child missing for thirty-seven (37%) or more of a school day, in which the absence is not due to a valid excuse for temporary nonattendance.
 - b. An unlawful absence is an absence by any compulsory school-age child who is removed from school for days missed as a result of disciplinary suspension. Absences due to suspension or expulsion shall not be excused by the school district superintendent, or his designee. A student that is absent due to suspensions or expulsions shall not be reported as truant.
2. Based on Section 37-13-91(6), the school district superintendent or his/her designee, shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officers. Therefore, pursuant to Section 37-13-85(o), provides that the MDE shall adopt any other policies that the office deems necessary for the enforcement of the Mississippi Compulsory School Attendance Law; however, the policies or guidelines shall not add or contradict with the requirements of Section 37-13-91. The

superintendent, or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur and code them as “unexcused absences”. However, these absences will not be counted towards a student being identified as truant.

3. For the purpose of determining and reporting attendance, a pupil must be present for at least sixty-three percent (63%) of his/her instructional day, as fixed by the local school board, and defined by the student’s schedule, in order to be considered in full-day attendance.
4. Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a public school, provided satisfactory evidence of the excuse is provided to the superintendent of the school district, or his designee:
 - a. An absence is excused when the absence results from illness or injury which prevents the compulsory-school-age child from being physically able to attend school.
 - b. An absence is excused when isolation of a compulsory-school-age child is ordered by the county health officer, by the State Board of Health or appropriate school official.
 - c. An absence is excused when it results from the death or serious illness of a member of the immediate family of a compulsory-school-age child. The immediate family members of a compulsory-school-age child shall include children, spouse, grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.
 - d. An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.
 - e. An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.
 - f. An absence may be excused if the religion, to which the compulsory-school-age child or the child's parents adheres, requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.
 - g. An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.
 - h. An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that conditions are sufficient to

warrant the compulsory-school-age child's nonattendance. However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

5. If a compulsory-school-age child is **participating in an authorized school activity** with the prior approval of the superintendent of the school district, or his/her designee, the student is considered **PRESENT** for average daily attendance reporting purposes. The activities include, but are not limited to:
 - a. Official Organized Events Sponsored by the 4-H
 - b. Future Farmers of America
 - c. Junior Livestock Shows
 - d. Rodeo Events
 - e. Official Employment as a Page at the State Capitol
 - f. Subject-Matter Field Trips
 - g. Athletic Contest
 - h. Student Conventions
 - i. Music Festivals or Contest
6. A student's participation in an authorized school activity must be verified by one of the following:
 - a. Student Schedule
 - b. Class Roster
 - c. Activity Roster
7. If a district superintendent fails to comply with the above guidelines, the following may occur:
 - a. The School Attendance Officer may present evidence to the Director of the Office of Compulsory School Attendance Enforcement that a school superintendent has failed to report unexcused absences in a timely manner. Such a report must be in writing and supported by written evidence.
 - b. If no action is warranted, the Director of the Office of Compulsory School Attendance

- c. Enforcement will notify the School Attendance Officer in writing of the determination.
- d. If further action is warranted, the Director of the Office of Compulsory School Attendance Enforcement may recommend to the State Superintendent of Education or his/her designee, downgrading of the district's accreditation status.
- e. When information on file in the Mississippi Department of Education indicates that a school district may be in violation of a state law, the superintendent of the district will be informed in writing by appropriate staff in the Department responsible for monitoring compliance with of the compulsory school attendance law.
- f. School district officials will be given thirty (30) days from the date of receipt of notification to provide a written response verifying accuracy or inaccuracy of the notice of possible noncompliance with the compulsory school attendance law. If the written response includes appropriate evidence to correct or refute the alleged violation, the superintendent of the district will be notified by appropriate staff.
- g. The appropriate staff member in the Office of Accreditation will notify the superintendent of the district in writing of the verified violation. Although the accreditation status of the district may not be subject to change until the next assignment of annual district status, the superintendent is required to provide a written response specifying how and when the violation will be corrected.

Source Code: *Miss. Code Ann. §37-13-91, et seq. House Bill 1530 (Revised 8/2013)*

Rule 30.3 Compulsory School Attendance (Repealed 5/2010)

Rule 30.4 Truancy Rate Definition, Calculation and Rate

1. PURPOSE

Pursuant to MS Code §37-13-91, a parent, guardian or custodian of a compulsory-school- age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory-school- age. A “Compulsory-school-age child” means a child who has attained or will attain the age of six (6) years on or before September 1 of the calendar year and who has not attained the age of seventeen (17) years on or before September 1 of the calendar year; and shall include any child who has attained or will attain the age of five (5) years on or before September 1 and has enrolled in a full-day public school kindergarten program. Provided, however, that the parent or guardian of any child enrolled in a full-day public school kindergarten program shall be allowed to disenroll the child from the program on a one-time basis, and such child shall not be deemed a compulsory-school-age child until the child attains the age of six (6) years.

Pursuant to the Elementary and Secondary School Act, Subpart I, §4112, (c)(3)(A)(B)(i), beginning with the 2005-2006 school year, state education agencies were required to report

truancy rates on a school-by-school basis to the US Department of Education. In an effort to ensure compliance with federal guidelines, this policy sets forth the distinction between excused and unlawful absences and provides formulas for truancy, habitual truancy, suspension and expulsion rate calculations. This information will serve to establish a uniform reporting method.

2. DEFINITIONS

- a. Cumulative Enrollment – sum of all entering students within a school year.
- b. Excused Absence – any of seven designated valid excuses for temporary nonattendance of a compulsory-school-age child enrolled in a public school, pursuant to MS Code §37-13-91, (4) (a) through (4) (i).
- c. Habitual Truant – a student who has accumulated twelve (12) or more unlawful absences, excluding suspension and expulsion days, in a school year, which shall result in the filing of a petition in a court of competent jurisdiction by the school attendance officer.
- d. School Day – pursuant to Mississippi Code §37-13-91 (d), defined as not less than five (5) and not more than eight (8) hours of actual teaching in which both teachers and pupils are in regular attendance for scheduled schoolwork.
- e. Truant – a student that has accumulated five (5) or more unlawful absences in a school year, excluding suspension and expulsion days.
- f. Unlawful absence – (also known as an unexcused absence) an absence during a school day by a compulsory-school-age child, which the absence is not due to a valid excuse for temporary nonattendance, pursuant to MS Code §37-13-91 (4).

3. REQUIREMENTS

- a. Truancy shall only apply to students of compulsory-school-age.
- b. Each local school district shall determine whether an absence is excused or unlawful based on the Compulsory School Attendance Law §37-13-91 of the Mississippi Code 1972 Annotated.
- c. For the purpose of calculating truancy rates, out of school suspensions shall not be considered unlawful absences. Out of school suspension days shall not be factored into truancy rate calculations.
- d. Students that satisfy the school day attendance requirements shall not be considered absent and/or calculated in the truancy rate, including students enrolled in alternative education programs, GED Options programs, and students detained in juvenile detention centers.
- e. The MDE shall calculate the truancy, habitual truancy, suspension, and expulsion rates once per year. The MDE shall report disaggregated data at both the state and district

levels. The following calculations shall be used in determining truancy, suspension and expulsion rates:

- i. The Truancy Rate shall be calculated using the following formula: Numerator:
Number of students with five or more unlawful absences (truant)
Denominator: Count of Student Membership – Cumulative Enrollment
Multiplied by 100 to create a percentage value
- ii. The Habitual Truancy Rate shall be calculated using the following formula:
Numerator: Number of students with twelve or more unlawful absences (habitual truant)
Denominator: Count of Student Membership – Cumulative Enrollment
Multiplied by 100 to create a percentage value
- iii. The Student Out-of-School Suspension Rate shall be calculated using the following formula:
Numerator: Total number of student out-of-school suspensions in a school year
Denominator: Count of Student Membership – Cumulative Enrollment
Multiplied by 100 to create a percentage value
- iv. The Overall Out-of-School Suspension Rate shall be calculated using the following formula:
Numerator: Total number of out-of-school suspension days in a school year
Denominator: Count of Student Membership – Cumulative Enrollment
Multiplied by 100 to create a percentage value
- v. The Expulsion Rate shall be calculated using the following formula: Numerator:
Number of student expulsions in a school year Denominator: Count of Student Membership – Cumulative Enrollment Multiplied by 100 to create a percentage value
{MS Code§ 37-13-91} (1972).

Source: *Miss Code Ann. 37-13-91(Revised 10/2007)*

Rule 30.5 Dropout Prevention Plan. Miss Code Ann § 37-13-80. Office of Dropout Prevention created; qualifications and responsibilities of director; date for implementation of dropout prevention program; procedures for tracking students who enter and leave detention centers; dropout prevention plan to address student transition to home school districts; legislative intent [Repealed effective June 30, 2009].

1. There is created the Office of Dropout Prevention within the State Department of Education. The office shall be responsible for the administration of a statewide dropout prevention program.
2. The State Superintendent of Public Education shall appoint a director for the Office of Dropout Prevention, who shall meet all qualifications established by the State Superintendent of Public Education and the State Personnel Board. The director shall be responsible for the proper administration of the Office of Dropout Prevention and any

other regulations or policies that may be adopted by the State Board of Education (*Miss. Code Ann.* §37-13-80).

3. Each school district shall implement a dropout prevention program approved by the Office of Dropout Prevention of the State Department of Education by the 2012-2013, and annually thereafter school year (*Miss. Code Ann.* §37-13-80).
4. Each local school district will be held responsible for reducing and/or eliminating dropouts in the district. The local school district will be responsible for the implementation of dropout plans focusing on issues such as, but not limited to:
 - a. Dropout Prevention initiatives that focus on the needs of individual local education agencies;
 - b. Establishing policies and procedures that meet the needs of the districts;
 - c. Focusing on the student-centered goals and objectives that is measurable;
 - d. Strong emphasis on reducing the retention rates in grades kindergarten, first and second;
 - e. Targeting subgroups that need additional assistance to meet graduation requirements; and
 - f. Dropout recovery initiatives that focus on students age seventeen (17) through twenty- one (21), who dropped out of school (*Miss. Code Ann.* §37-13-80).
5. The Office of Dropout Prevention may provide technical assistance upon written request by the local school district. The Office of Dropout Prevention will collaborate with program offices within the Mississippi Department of Education to develop and implement policies and initiatives to reduce the state's dropout rate (*Miss. Code An.* §37-13-80).
6. Each school district's dropout prevention plan shall address how students will transition to the home school district from the juvenile detention centers (*Miss. Code Ann.* §37-13-80).
7. In addition, the Mississippi Department of Education recommends the following:
 - a. expand educational affiliations to include head start, parochial, private and community early childhood programs to develop a systematic approach that will support students in acquiring the child development skills that are essential for success in a K-12 program. These skills will include cognitive, social, language, behavioral, gross and fine motor skills.
 - b. develop criteria to identify students, as early as third grade that are potentially at risk of dropping out.

8. The Office of Dropout Prevention shall establish graduation rate benchmarks for each two-year period from the 2008-2009 school year through the 2018-2019 school year, which shall serve as guidelines for increasing the graduation rate for cohort classes on a systematic basis to eighty-five percent (85%) by the 2018-2019 school year.

Graduation Benchmarks	School Years	Graduation Rates
Benchmark 1	2008-2009	63%
Benchmark 2	2010-2011	66 %
Benchmark 3	2012-2013	71%
Benchmark 4	2014-2015	77%
Benchmark 5	2016-2017	81%
Benchmark 6	2018-2019	85%

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/2012)*

Rule 30.6 Youth Detention Center Educational Provisions. In accordance with Section 43-21-321 of the Mississippi Code of 1972 Annotated, educational provisions are required for all compulsory school age students detained in a youth detention center facility.

1. A certified teacher will provide educational services to detainees.
2. Teacher selection shall be in consultation with the youth court judge.
3. The sponsoring school district will pay the salary of the teacher, based upon actual certification, state (teacher) salary schedule and number of employment days.
4. The sponsoring school district in collaboration with the home school shall comply with the Individuals with Disabilities Education Act (IDEA) and comparable state laws for students with special needs.
5. After forty-eight (48) hours of detention, the detainee shall receive the following services which may be computer-based:
 - a. Diagnostic assessment of grade-level mastery of reading and math skills;
 - b. Individualized instruction and practice to address any weaknesses identified in the assessment; and
 - c. Character education to improve behavior.
6. The sponsoring school district shall work in collaboration with detention center staff to ensure that educational records have been obtained for any student that will be detained for more than 48 hours.

7. The sponsoring school district will provide instruction based on the academic needs of each detainee. When a youth has been receiving special education services in his/her school placement, and is admitted with an existing Individualized Education Program (IEP), it is the responsibility of the educational personnel at the detention center to ensure the continued implementation of the IEP with modifications, if needed, due to the nature of the youth's detention.
8. The sponsoring school districts shall maintain and update the computer labs.
9. Students in the youth detention center shall not be classified as absent by the student's home school.
10. The sponsoring school district provides adequate substitute teaching staff to cover teaching duties of educational staff that are on sick or personal leave. The criteria for a substitute teacher shall be aligned with the district's policy for short and long term placement.
11. The sponsoring school district shall provide 330 minutes of instruction per school day.
12. The sponsoring school district shall identify students with limited English proficiency and provide appropriate instruction to ensure meaningful access to the curriculum.
13. An Individualized Academic Plan shall be written by the sponsoring school district for each student that has been detained for 10 days or more and forwarded to the student's home school and is used as a transition component.
14. The Mississippi Department of Education will collaborate with the appropriate state and local agencies, juvenile detention centers and local school districts to ensure that educational services are provided to every student placed in a juvenile detention center.
15. The non-sponsoring school districts, that have students detained at a detention center, will share equally in the additional cost of educational services. Once the Legislature has allocated funding for educational services, provided by the state's detention centers, the Mississippi Department of Education will disseminate the funding based on the needs analysis submitted by each of the sponsoring school districts. Any remaining cost related to educational services, including the maintenance of computer labs, will be equally divided among the non-sponsoring school districts, or district of residence, of juveniles placed in a detention facility.
16. Related services provided for students with special needs may require additional reimbursement to the sponsoring school district from the student's home school or district of residence for services rendered.
17. The Mississippi Department of Education has the authority to develop and promulgate policies and procedures regarding educational programming.

Source: Miss. Code Ann. §43-21-321 (Revised 4/2015)

Rule 30.7 Home School Guidelines. Pursuant to the Mississippi Code of 1972 Annotated Section 37-13-91, the Mississippi Legislature requires all compulsory-school-age children who have attained or will attain the age of six (6) years on or before September 1 of the calendar year and who have not attained the age of seventeen (17) years on or before September 1 of the calendar year; to enroll in and attend a public, private or home school.

1. A parent, guardian or custodian of a compulsory-school-age child in this state shall cause the child to enroll in and attend a public school or legitimate nonpublic school for the period of time that the child is of compulsory school age, except under the following circumstances:
 - a. When a compulsory-school-age child is physically, mentally or emotionally incapable of attending school as determined by the appropriate school official based upon sufficient medical documentation.
 - b. When a compulsory-school-age child is enrolled in and pursuing a course of special education, remedial education or education for handicapped or physically or mentally disadvantaged children.
 - c. When a compulsory-school-age child is being educated in a legitimate home instruction program.
2. The parent, guardian or custodian of a compulsory-school-age child enrolled in home school must complete a certificate of enrollment.
3. The appropriate school official for any or all children attending a nonpublic school shall complete a “certificate of enrollment” in order to facilitate the administration of this section.
4. The certificate of enrollment shall be prepared and maintained by the Mississippi Department of Education, Office of Compulsory School Attendance Enforcement.
5. The Office of Compulsory School Attendance Enforcement shall be the only authorized entity to disseminate and collect the certificates of enrollment. Certificates of Enrollment will not be provided to school district personnel for distribution.
6. School district personnel must notify the Office of Compulsory School Attendance Enforcement (state school attendance officer) if a parent, guardian or custodian is seeking to enroll a compulsory-school-age child in home school.
7. District personnel **cannot** at any time complete a certificate of enrollment. The certificate of enrollment must be completed by the parent, guardian or custodian of the compulsory-school-age child enrolling in a home school program.
8. The school attendance officer will provide the parent, guardian or custodian with information and documents to ensure compliance with the Compulsory School Attendance Law.
9. The certificate of enrollment shall be designed to obtain the following information only:

- a. The name, address, telephone number, and date of birth of the compulsory-school-age child;
 - b. The name, address and telephone number of the parent, guardian or custodian of the compulsory-school-age child;
 - c. A simple description of the type of education the compulsory-school-age child is receiving and, if the child is enrolled in a nonpublic school, the name and address of the school; and
 - d. The signature of the parent, guardian or custodian of the compulsory-school-age child or, for any or all compulsory-school-age child or children attending a nonpublic school, the signature of the appropriate school official and the date signed.
10. The certificate of enrollment shall be returned to the school attendance officer where the child resides on or before September 15 of each year. Any parent, guardian or custodian found by the school attendance officer to be in noncompliance with this section shall comply, after written notice of the noncompliance by the school attendance officer, with this subsection within ten (10) days after the notice or be in violation of this section. However, in the event the child has been enrolled in a public school within fifteen (15) calendar days after the first day of the school year as required in Mississippi Code of 1972 *Annotated Section 37-13-91 (6)*, the parent or custodian may, at a later date, enroll the child in a legitimate nonpublic school or legitimate home instruction program and send the certificate of enrollment to the school attendance officer and be in compliance with this subsection.
11. For the purposes of this subsection, a legitimate nonpublic school or legitimate home instruction program shall be those not operated or instituted for the purpose of avoiding or circumventing the compulsory attendance law.

Therefore, a “Certificate of Enrollment “for students beyond the compulsory school attendance age will only be accepted if a student is or has been previously enrolled in a home instruction program and/or the student was enrolled in a home instruction program at any time prior to exceeding the compulsory school attendance age.

Certificates of Enrollment will not be accepted for individuals registering to enroll in a home instruction program, for the first time, that have exceeded the compulsory school age nor will the student be considered as a “transfer to home school”.

Source: *Miss. Code Ann. §37-13-91, et seq. (Adopted 8/2013)*